

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Jessica S. Hosey,	)	
	)	
Plaintiff,	)	Civil Action No. 3:15-cv-03282-JMC
	)	
v.	)	<b>Order</b>
	)	
Enterprise Leasing Company—	)	
Southeast, LLC,	)	
	)	
	)	
Defendant.	)	
	)	

Jessica S. Hosey (“Plaintiff”) filed this action pursuant to Title VII of the Civil Rights Act of 1964 (Title VII), 42. U.S.C. § 2000(e) *et seq.* alleging that Enterprise Leasing Company—Southeast, LLC (“Defendant”) discriminated against her based on her race and sex and subjected her to sexual harassment. Defendant subsequently filed a Motion for Summary Judgment requesting that Plaintiff’s action be dismissed. (ECF No. 30.) This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 45), filed on January 17, 2017, recommending that Defendant’s Motion for Summary Judgment be granted and this action be dismissed in its entirety. The Report sets forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. “The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination.” *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (1976)). Moreover, the court is charged with making a *de novo* determination of those portions of a report and recommendation to which specific objections are

made, and the court may accept, reject, or modify, in whole or in part, a magistrate judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1). Furthermore, objections to a report and recommendation must specifically identify portions of the report and the basis for those objections. Fed. R. Civ. P. 72(b). "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 316 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Plaintiff was notified of her right to file objections to the Report. (ECF No. 45-1.) Thereafter, Plaintiff was granted an extension of time (ECF No. 47) and properly filed objections to the Report on February 14, 2017. (ECF No. 50.) In her objections, Plaintiff generally objects to the Magistrate Judge's findings and "relies on and refers to her previously filed Memorandums in opposition to Defendants' Motion for Summary Judgment" to support these objections. (ECF No. 50.) Despite generally objecting to the Magistrate Judge's findings, Plaintiff fails to identify the specific portions of the Report to which she objects and the basis for those objections. Furthermore, "merely referring the court to previously filed papers or arguments does not constitute an adequate objection under [...] Fed. R. Civ. P. 72(b) [...]." *Mario v. P&C Food Markets, Inc.*, 313 F.3d 758, 766 (2d. Cir. 2002). Therefore, the court is not required to conduct a *de novo* review of this case and must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond*, 416 F.3d at 315.

After a thorough and careful review of the Report and the record in this case, the court finds that the Report provides an accurate summary of the facts and the law. Additionally, the

court finds that the Report contains no clear error. Therefore, the court **ACCEPTS** the Report and Recommendation. (ECF No. 45.) For the reasons articulated by the Magistrate Judge, the court **GRANTS** Defendant's Motion for Summary Judgment (ECF No. 30) and **ORDERS** that this action be dismissed in its entirety.

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

February 22, 2017  
Columbia, South Carolina